

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE LIBOR-BASED FINANCIAL  
INSTRUMENTS ANTITRUST LITIGATION

MDL No. 2262

THIS DOCUMENT RELATES TO:

*National Credit Union Administration Board v. Credit Suisse Group AG, et al.*, Case No. 1:13-cv-02497-NRB

*Triaxx Prime CDO 2006-1 Ltd., et al. v. Bank of America Corporation, et al.*, Case No. 1:14-cv-00146-NRB

*The Regents of the University of California, et al. v. Bank of America Corporation, et al.*, Case No. 1:13-cv-05186-NRB

*East Bay Municipal Utility District v. Bank of America Corporation, et al.*, Case No. 1:13-cv-00626-NRB

*San Diego Association of Governments v. Bank of America Corporation, et al.*, Case No. 1:13-cv-05221-NRB

*City of Richmond, et al. v. Bank of America Corporation, et al.*, Case No. 1:13-cv-00627-NRB

*City of Riverside, et al. v. Bank of America Corporation, et al.*, Case No. 1:13-cv-00597-NRB

*County of Mendocino v. Bank of America Corporation, et al.*, Case No. 1:13-cv-08644-NRB

*County of Sacramento v. Bank of America Corporation, et al.*, Case No. 1:13-cv-05569-NRB

*County of San Diego v. Bank of America Corporation, et al.*, Case No. 1:13-cv-00667-NRB

*County of San Mateo, et al. v. Bank of America Corporation, et al.*, Case No. 1:13-cv-00625-NRB

*County of Sonoma, et al. v. Bank of America Corporation, et al.*, Case No. 1:13-cv-05187-NRB

*City of Houston v. Bank of America Corporation, et al.*, Case No. 1:13-cv-05616-NRB

*The Charles Schwab Corporation, et al. v. Bank of America*

Master File No. 1:11-md-2262-NRB

ECF Case

*Corporation, et al.*, Case No. 1:13-cv-07005-NRB

*Bay Area Toll Authority v. Bank of America Corporation, et al.*, Case No. 1:14-cv-03094-NRB

**DECLARATION OF ANDREW S. COOPER IN SUPPORT OF  
WESTDEUTSCHE IMMOBILIENBANK AG'S MOTION TO DISMISS**

Pursuant to 28 U.S.C. § 1746, Andrew S. Cooper declares that the following is true and correct under penalty of perjury under the laws of the United States of America:

1. I am the Managing Director of the New York representative office of Westdeutsche ImmobilienBank AG, also known as WestImmo. I submit this declaration in support of WestImmo's motion to dismiss the above-captioned actions for lack of personal jurisdiction. I have personal knowledge of the facts set forth herein based on my work at WestImmo and my review of its records.

2. WestImmo is a real estate property finance corporation incorporated in the Federal Republic of Germany, with its headquarters at Große Bleiche 46, 55116 Mainz, Germany. WestImmo's principal place of business is and always has been in Germany.

3. WestImmo was a wholly-owned subsidiary of Portigon AG until September 17, 2012, on which date WestImmo became a wholly-owned subsidiary of Erste Abwicklungsanstalt, which is based in Düsseldorf, Germany.

4. Currently, in addition to its Mainz headquarters, WestImmo has one other German office in Münster and five offices outside of Germany, which are in London, Madrid, New York, Paris, and Warsaw.

5. WestImmo has a single representative office in New York, and has never had any other offices anywhere else in the United States.

6. WestImmo's operations in New York are small compared to its global operations.

7. As of December 2012, 7% of WestImmo's worldwide assets related to the activities of WestImmo's New York representative office. As of December 2013, 6% of WestImmo's worldwide assets related to the activities of WestImmo's New York representative office. As of September 2014, 4% of WestImmo's worldwide assets related to the activities of WestImmo's New York representative office.

8. As of December 2012, there were 6 full-time employees in WestImmo's New York representative office, or 1.7% of the full-time employees of WestImmo worldwide. As of December 2013, there were 4 full-time employees in WestImmo's New York representative office, or 1.4% of the full-time employees of WestImmo worldwide. As of September 2014, there were 4 full-time employees in WestImmo's New York representative office, or 1.5% of the full-time employees of WestImmo worldwide.

9. WestImmo is not and has never been a member of the USD LIBOR panel, and has never been responsible for or involved in the determination or submission of rates for use in the calculation of USD LIBOR.

Executed this 4 th day of November 2014, in New York City, New York.



Andrew S. Cooper